

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 10,034

IN THE MATTER OF:

Served October 27, 2006

Application of B. & M. TRANSPORT,	)	Case No. AP-2006-104
INC., for a Certificate of	)	
Authority -- Irregular Route	)	
Operations	)	

This matter is before the Commission on applicant's failure to comply with Order No. 9803, served August 4, 2006.

Applicant was granted operating authority in 2004, but the issuance of a certificate of authority was expressly made contingent on applicant filing additional documents.<sup>1</sup> Applicant failed to file the necessary documents in a timely manner, thereby voiding the Commission's approval.<sup>2</sup>

Applicant filed a new application on July 12, 2006, and notice of the application was served on June 29, 2006, in Order No. 9699. The order directed applicant to publish further notice in a newspaper of general circulation in the Metropolitan District no later than July 13, 2006, and file proof of publication no later than July 27, 2006.

On July 31, 2006, applicant filed a request for an extension of the publication deadline. The extension was granted in Order No. 9803, served August 4, 2006. The order directed applicant to publish notice no later than August 18, 2006, and file proof of publication no later than September 1, 2006. Applicant has yet to comply.

Under the Compact, an application to obtain a certificate of authority shall be made in writing, verified, and shall contain the information required by the application form and accompanying instructions.<sup>3</sup> An applicant may be ordered to publish notice of the application in a newspaper of general circulation in the Metropolitan District<sup>4</sup> and furnish any supplemental information necessary for a full

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<sup>1</sup> See *In re B. & M. Transport, Inc.*, No. AP-03-182, Order No. 7884 (Mar. 19, 2004) (conditionally granting Certificate No. 903).

<sup>2</sup> See *id.* (grant of authority void upon applicant's failure to timely satisfy conditions of issuance); Commission Regulation No. 66 (failure to comply with conditions of grant within 180 days voids approval).

<sup>3</sup> Compact, tit. II, art. XI, § 8; Regulation No. 54-02.

<sup>4</sup> Regulation No. 6-03; see also Commission Rule No. 54-03 (cost of publishing notice shall be borne by applicant).

and fair examination of the application.<sup>5</sup> Failure to comply with the Commission's application requirements warrants dismissal.<sup>6</sup>

THEREFORE, IT IS ORDERED: that the application of B. & M. Transport, Inc., is hereby dismissed without prejudice for want of prosecution.

FOR THE COMMISSION:

A handwritten signature in dark ink, appearing to read 'W. S. Morrow, Jr.', written in a cursive, flowing style.

William S. Morrow, Jr.  
Executive Director

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<sup>5</sup> Regulation No. 54-04(c).

<sup>6</sup> *In re One, LLC, t/a Bon Voyage*, No. AP-04-103, Order No. 8212 (Aug. 5, 2004).